

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES M. MALARIK,)	
)	
Petitioner,)	Civil Action No. 08-740
)	
v.)	Judge Joy Flowers Conti
)	Magistrate Judge Bissoon
KELLY LYNN CRAWFORD, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

James M. Malarik's Petition for Writ of Habeas Corpus was received by the Clerk of Court on May 29, 2008, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. The matter was later referred to United States Magistrate Judge Cathy Bissoon.

Magistrate Judge Bissoon's Report and Recommendation, filed on February 11, 2009, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Malarik be dismissed and that a certificate of appealability be denied. The Petitioner filed objections on February 19, 2009, in which he repeats the same arguments that he raised in his petition, and that were already addressed by the magistrate judge (Doc. 48).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and the

objections thereto, the following order is entered:

AND NOW, this 3rd day of March, 2009,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by James M. Malarik is dismissed, and a certificate of appealability is denied.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 47) is adopted as the opinion of the court.

s/Joy Flowers Conti
Joy Flowers Conti
United States District Judge

CC:
JAMES M. MALARIK
#130218
Allegheny County Prison
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